THE BOMBAY MEDICAL ACT, 1912.

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THE SCHEDULE.

BOMBAY ACT No. VI OF 1912.[1]

[THE BOMBAY MEDICAL ACT, 1912.]

[*25th June 1912.*]

Amended by Bom. 9 of 1912;
" " " 4 of 1918;
" " " 12 of 1929.
Repealed in part and amended, by Bom. 3 of 1916;
" " " " " " " 4 of 1916.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the registration of medical practitioners.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Bombay; And whereas the previous sanction of the Governor-General required by section 5 of the Indian Councils Act, 1892,[2] has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title, extent and definition.

1. (*1*) This Act may be called the Bombay Medical Act, 1912.

(*2*) It extends to the whole of the Bombay Presidency.

(*3*) In this Act the expression "the Medical Acts" means the Medical Act, 1858, and any Acts amending the same.

Bombay Medical Council.

[3][2. (*1*) A Council, herein referred to as "the Medical Council", which shall be called "the Bombay Medical Council", shall be established for the Presidency of Bombay.

(*2*) The Medical Council shall consist of thirteen members registered under this Act who shall be appointed in the following manner, namely:—

(*a*) a President nominated by the [4][Provincial Government];

(*b*) six members nominated by the [4][Provincial Government];

(*c*) four members elected by the Doctors, Bachelors and Licentiates of Medicine, and the Masters, Bachelors and Licentiates of Surgery of the University of Bombay who are registered under this Act;

(*d*) two members elected by the medical practitioners who are registered under this Act, and who are not Graduates in Medicine or Surgery or Licentiates in Medicine or Licentiates in Medicine and Surgery of the University of Bombay.

(*3*) Elections of members shall be held at such time and place and in such manner as the Medical Council shall direct by rules or regulations made from time to time in this behalf.]

Tenure of office.

3. (*1*) The members of the Medical Council shall hold office for a term of five years, and shall be capable of re-appointment.

(*2*) Any member may at any time resign his appointment by letter addressed to the President of the Medical Council.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1911, Part VII page 389; for Report of Select Committee, *see ibid.*, 1912, Part VII, page 103; and for Proceedings in Council, *see ibid.*, 1912, Part VII, pages 45 and 189.

[2] *See* now the Government of India Act, 1935.

[3] Section 2 was substituted by s. 2 of the Bombay Medical (Amendment) Act, 1918 (Bom. 4 of 1918).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(5) Upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (2) of section 2, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

(4) (*a*) Leave of absence from India may be granted by the Medical Council to any member thereof for a period not exceeding six months.

(*b*) If any member of the Medical Council leaves India without the leave of the Medical Council, or does not return to India within the period of the leave granted by the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(*c*) In any case not provided for in clauses (*a*) and (*b*) if any member of the Medical Council shall absent himself from three consecutive meetings of the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

Time and place of meeting of Council.

4. The Medical Council [1]* * * shall make such rules and regulations as may be necessary with respect to the times and places of the meeting of the Medical Council, and the mode of summoning the same. In the absence of any rule or regulation as to the summoning of a meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member; and at every meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

Registrar and Officers.

5. (*1*) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing, granting leave to or dismissing a Registrar or appointing a person to act as Registrar shall be subject to the previous approval of the [2][Provincial Government]. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as they may from time to time determine. Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act.

(2) The Medical Council with the previous approval of the [2][Provincial Government] may appoint such other officers or clerks as may be necessary for the purposes of this Act.

(3) The Registrar and any other officer or clerk appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the [3]Indian Penal Code. XLV of 1860.

[1] The words "shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint and" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] Central Acts.

Register.

6. The Registrar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the [1][Provincial Government] from time to time directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered, and to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the names of all registered persons who have died; provided that the [1][Provincial Government] may prescribe a fee for the entry of any additional qualification. To enable the Registrar duly to fulfil the duties imposed upon him it shall be lawful for him to write a letter to any registered person according to his address on the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is returned to such letter within a period of six months from the sending of the letter, it shall be lawful to erase the name of such persons from the register: provided that the same may be restored by direction of the Medical Council if they think fit to make an order to that effect.

Persons entitled to be registered.

[2][**7.** (*1*) Every person for the time being registered under the Medical Acts shall be entitled to be registered under this Act free of charge on informing the Registrar of the date of his registration under the Medical Acts and giving a correct description of his qualifications with the dates on which they were granted.

[3][(*1-a*) Every person for the time being registered under any Act for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council, be entitled, on production of his registration certificate, to have registered under this Act, free of charge, such qualifications entered in the said certificate as are registrable under this Act.]

(*2*) Every person who is possessed of any of the qualifications described in the Schedule to this Act (subject to the provisions of section 20) shall be entitled to be registered under this Act on payment of a fee of fifteen rupees, and on giving evidence to the satisfaction of the Registrar of his possession of a qualification fitting him for registration.

(*3*) The [1][Provincial Government] may, after consulting the Medical Council permit the registration of any person who was actually practising medicine in the Bombay Presidency before the 25th day of June 1912.

(*4*) The Medical Council may refuse to permit the registration of any person who has been convicted of a cognizable offence as defined in the [4]Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the [5]Army Act or under the [5]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Medical Council of infamous conduct in any professional respect.]

V of 1898. 44 & 45 Vict., c. 58. VIII of 1911.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Section 7 was substituted by s. 3 of the Bombay Medical (Amendment) Act, 1916 (Bom. 3 of 1916).

[3] Sub-section (*1-a*) was inserted by Bom. 12 of 1929, s. 2.

[4] Central Acts.

[5] Collection of Statutes relating to India, Vol. I.

Appeals and erasure of incorrect entries.

8. (*1*) Any appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council under regulations which shall be made by the Medical Council in this behalf.

(*2*) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be erased from the register under the orders of the Medical Council.

Removal from register.

9. The Medical Council may direct that the name of any medical practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, [1][or who, being or having been subject to military law, has been convicted under the [2]Army Act or under the [3]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined] or who after due enquiry has been held guilty by them of infamous conduct in any professional respect, shall be removed from the register, and may direct that any name so removed shall be re-entered. V of 1898. 44 & 45 Vict., c. 58. VIII of 1911.

Qualified practitioners: certificates.

10. (*1*) [4]* * * The expression "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall, in all [5][Bombay Acts] and in all [6][Central Acts] in their application to the Bombay Presidency, mean a medical practitioner registered either under the Medical Acts or under this Act.

(*2*) [4]* * * No certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act.

Unregistered persons not to hold certain appointments.

11. [7]* * * [8][Except with the special sanction of the [9][Provincial Government]] no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, infirmary or lying-in-hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, unless he be registered under the Medical Acts or under this Act.

Notice of death.

12. Every Registrar of deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

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[1] These words and figures were inserted by s. 4 of the Bombay Medical (Amendment) Act, 1916 (Bom. 3 of 1916).

[2] Collection of Statutes relating to India Vol. I.

[3] Central Acts.

[4] The words "After the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

[5] The words "Bombay Acts" were substituted for the words "Acts of the Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "Central Acts" were substituted for the words "Acts of the Governor-General in Council", *ibid.*

[7] The words "On the expiry of three months from the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

[8] These words were inserted by s. 2, *ibid.*

[9] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Medical Council authorised to call for information and attend examinations.

13. The Medical Council shall have authority to call on the governing body or authorities of any Medical College or School and on any examining body included in or desirous of being included in the Schedule—

(*a*) to furnish such particulars as the Medical Council shall require of any course of study prescribed or examination held by such body or authority or in such School or College with reference to the grant of any medical or surgical qualification, and

(*b*) to permit any member of the Medical Council deputed by the Medical Council in this behalf to attend and be present at any such examination.

Exemption from serving on inquests.

14. Notwithstanding anything in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest.

Fees payable to members.

15. There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the [1][Provincial Government].

Disposal of fees.

16. All monies received by the Medical Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the [1][Provincial Government].

Annual Medical List.

17. The Registrar shall in every year on or before a date to be fixed by the Medical Council cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register, and the dates when such qualifications were granted, in alphabetical order according to the surnames of the persons registered. Every Court shall presume that any person entered in such list is duly registered under this Act, and that any person who is not so entered is not registered.

Penalties.

18. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished on conviction by a Presidency Magistrate or a Magistrate of the first class with fine that may extend to three hundred rupees.

Rules and regulations.

19. (*1*) Subject to the provisions of this Act, the Medical Council may from time to time make rules and regulations generally to carry out the provisions of this Act :

Provided that no rules or regulations made by the Medical Council whether under this or under any of the foregoing sections of this Act shall have any force or effect unless the same shall have received the previous approval of the [1][Provincial Government].

(*2*) All rules and regulations made by the Medical Council under this Act shall, when the same have received the approval of the [1][Provincial Government], be published in the [2][*Official Gazette*].

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The "*Official Gazette*" were substituted for the words *Bombay Government Gazette*", *ibid.*

(3) It shall be lawful for the [1][Provincial Government], by notification in the [2][*Official Gazette*], to cancel any rule or regulation made under this Act.

Alteration in list of qualifications mentioned in the Schedule.

20. If it shall appear to the [1][Provincial Government], on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any of the Colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the [1][Provincial Government], on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the [1][Provincial Government] from time to time by notification in the [2][*Official Gazette*] to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

Control.

21. If at any time it shall appear to the [1][Provincial Government] that the Medical Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the [1][Provincial Government] may notify the particulars of such default, excess or abuse to the Medical Council; and if the Medical Council fails to remedy such default, excess or abuse within such time as may be fixed by the [1][Provincial Government] in this behalf, the [1][Provincial Government] may for the purpose of remedying such default, excess or abuse cause any of the powers and duties of the Medical Council to be exercised and performed by such agency and for such period as [3][it] may think fit.

Saving for provisions of the Government of India Act, 1935.

[4][**22.** This Act has effect subject to the provisions of Chapter III[5] of Part V of the Government of India Act, 1935.]

THE SCHEDULE.

1. Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad and Lahore.

[6][Fellow, Member and Licentiate of the College of Physicians and Surgeons of Bombay.

Fellow, Member and Licentiate of the State Medical Faculty of Bengal.]

[7][Licentiate and Apothecary of the Board of Examiners, Medical College,] Madras.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The word "it" was substituted for the word "he", *ibid.*

[4] Section 22 was inserted, *ibid.*

[5] Sections 111 to 121 contained in Chapter III of Part V of the Government of India Act, 1935, were omitted by the India (Provisional Constitution) Order, 1947.

[6] These qualifications were added by G. N., G. D., No. 6785, dated 12th October 1916.

[7] These qualifications were added by G. N., G. D., No. 89, dated 5th January 1918.

Licentiate of the State Board of Medical Examinations, United Provinces.

Licentiate of the Bihar and Orissa Medical Examination Board.

Licentiate of the Burma Medical Examination Board.]

[1][Licentiate of the Central Provinces Medical Examination Board.]

[2][Licentiate of the Assam Medical Examination Board.]

[3][Fellow, Member and Licentiate of the State Medical Faculty, Punjab.

Bachelor of Medicine and Bachelor of Surgery of the University of Lucknow.]

[4][Fellow, Member and Licentiate of the United Provinces State Medical Faculty.]

[5][Bachelor of Medicine and Bachelor of Surgery of the University of Rangoon.]

[6][Licentiate of Medicine and Surgery of the University of Rangoon.]

[7][Bachelor of Medicine and Bachelor of Surgery [8][of the Osmania University] and Licentiate of Medicine and Surgery [9][granted by His Exhalted Highness the Nizam's Government.]]

[10][Licentiate of Medicine and Surgery and Bachelor of Medicine and Bachelor of Surgery of the Andhra University.]

[11][Ayurvidya Visharad of the Tilak Maharshtra Vidyapeeth of Poona, during the years 1921 to 1935 (both inclusive).]

[12][Diplomas in Allopathy of the National Medical College [13][and the National College of Physicians and Surgeons of India], Calcutta, the College of Physicians and Surgeons of Calcutta and the International College of Physicians and Surgeons of India, Calcutta, during the years 1912 to 1916 (both inclusive).]

[14][Diploma of "L.M.P. (Bom.)" of the State Medical Faculty, Bombay.]

[15][Diploma of "D.M.S. (Madras)" of the Stanley Medical College, Madras.]

[16][Diploma of L.M.P. (Hyderabad) granted by His Exhalted Highness the Nizam's Government in or before the year 1932.]

*2. Any person trained in a Government Medical College or School [17][in India or Burma] who holds a diploma or certificate granted [18][by any Government in India or Burma] declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to be qualified for the duties of a Military Assistant

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[1] This qualification was added by G. N., G. D., No. 3942, dated 7th June 1918.
[2] This qualification was added by G. N., G. D., No. 8398, dated 2nd December 1918.
[3] These qualifications were added by G. N., G. D., No. 814, dated 22nd November 1923.
[4] This qualification was added by G. N., G. D., No. 7275, dated 25th October 1928.
[5] This qualification was added by G. N., G. D., No. 9417, dated 1st December 1932.
[6] This qualification was added by G. N., G. D., No. 9417, dated 11th November 1935.
[7] This qualification was added by G. N., G. D., No. 9417, dated 30th March 1936.
[8] These words were inserted by G. N., G. D., No. 4867, dated 29th June 1946.
[9] These words were substituted for the words "of the Osmania University", *ibid.*
[10] This qualification was added by G. N., G. D., No. 2336/33, dated 6th May 1938.
[11] This qualification was added by G. N., G. D., No. 3020/33, dated 12th September 1939 and 23rd September 1939.
[12] This qualification was added by G. N., G. D., No. 7898, dated 6th November 1939.
[13] These words were inserted by G. N., G. D., No. 7898, dated 17th March 1941.
[14] This qualification was added by G. N., G. D., No. 4965/33, dated 31st December 1942.
[15] This qualification was added by G. N., G. D., No. 814, dated 23rd December 1948.
[16] This qualification was added by G. N., G. D., No. 4867, dated 9th April 1947.
[17] These words were inserted by the Adaptation of Indian Laws Order in Council.
[18] These words were substituted for the words "by Government" *ibid.*
* This paragraph is now subject to the provisions of the Indian Medical Degrees Act, 1916 (VII of 1916).

Surgeon, Hospital Assistant or Sub-Assistant Surgeon; [1][or any person who holds a diploma or certificate to the same effect, granted by the King Edward Hospital Medical School at Indore, or the Medical School, Hyderabad (Deccan).]

[2][Licensed Medical Practitioner, of the University of Mysore and, of the Mysore Medical school.]

[3][Bachelor of Medicine and Bachelor of Surgery of the University of Mysore.]

[4][3. Doctor, Bachelor and Licentiate of Medicine, Master, Bachelor and Licentiate of Surgery and Master in Obstetrics of the Universities of Oxford, Cambridge, London, Durham, Manchester, Birmingham, Liverpool, Leeds, Edinburgh, Aberdeen, Glasgow, St. Andrews, and Dublin, the Royal University of Ireland, and the Universities of Adelaide, Malta, Melbourne, New-Zealand, Sydney, Dalhousie, McGill, Laval, and Hongkong.

Doctor and Bachelor of Medicine, and Master and Bachelor of Surgery of the Universities of Sheffield, Bristol and Wales, the National University of Ireland and the Queen's University of Belfast.

Fellow, Member and Licentiate of the Royal Colleges of Physicians of London, Edinburgh and Ireland.

Fellow, Member and Licentiate of the Royal Colleges of Surgeons of England, Edinburgh and Ireland.

Licentiate of the Apothecaries' Society of London, Fellow and Licentiate of the Royal Faculty of Physicians and Surgeons of Glasgow, Licentiate of the Apothecaries' Hall of Dublin, Licentiate of Medicine and Surgery of the Medical College of Ceylon, the Nova Scotia Provincial Medical Board, and the Prince Edward Island Medical Council, the New Brunswick Provincial Council of Physicians and Surgeons, and the Newfoundland Medical Board [5][and the King Edward VII Medical School, Singapore.]

Member of the College of Physicians and Surgeons of Ontario, Canada.]

[6][Doctor of Medicine of the College of Physicians and Surgeons, Columbia University, New York, United States of America.

Doctor of Medicine, University of Pennsylvania.

Doctor of Medicine, Stanford University.]

[7][Diploma of Licentiate of the Medico-Surgical College of Nova-Goa (Portuguese India).]

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[1] This portion was added by G. N., G. D., No. 6785, dated 12th October 1916.
[2] This qualification was added by G. N., G. D., No. 814, dated 24th October 1928, as amended by G. N., G. D., No. 814, dated 6th April 1932.
[3] This qualification was added by G. N., G. D., No. 814, dated 20th May 1932.
[4] This paragraph was added by G. N., G. D., No. 6785, dated 12th October 1916.
[5] This portion was added by G. N., G. D., No. 8329, dated the 28th November 1918.
[6] These qualifications were added by G. N., G. D., No. 11860, dated 27th November 1920.
[7] This qualification was added by G. N., G. D., No. 814, dated 10th January 1923.

Note.—Apart from the qualifications mentioned above, the recognised medical qualifications given in the First and the Second Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933), are sufficient for enrolment on any Provincial Medical Register, according to section 12 of that Act.